

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

WILLIE C. SIMPSON,

Plaintiff,

-vs-

Case No. 15-CV-186

**SCOTT WALKER,
WILLIAM POLLARD, and
EDWARD F. WALL,**

Defendants.

DECISION AND ORDER

On November 18, 2015, the United States Court of Appeals for the Seventh Circuit denied the plaintiff's motion for leave to proceed on appeal *in forma pauperis*. (ECF No. 41). The Seventh Circuit directed the plaintiff to pay the required docketing fee within 14 days and warned the plaintiff that the appeal would be administratively dismissed for failure to prosecute if he did not pay. *Id.* The plaintiff did not pay the fee as directed and, on December 30, 2015, the Seventh Circuit dismissed the plaintiff's appeal and directed this Court to collect the appellate filing fee. (ECF No. 42).

Additionally, because the plaintiff never paid the District Court filing fee as directed, the Court will dismiss this case and terminate the plaintiff's pending motions. The Court also must collect the District Court

filing fee.

The plaintiff incurred the filing fees by filing first this case (\$400.00) and then the notice of appeal (\$505.00). *Newlin v. Helman*, 123 F.3d 429, 433-34 (7th Cir. 1997), rev'd on other grounds by, *Walker v. O'Brien*, 216 F.3d 626 (7th Cir. 2000) and *Lee v. Clinton*, 209 F.3d 1025 (7th Cir. 2000). This Court must now collect the outstanding fees by the procedures outlined in 28 U.S.C. §1915(b). *Newlin*, 123 F.3d at 434.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT this action is **DISMISSED**.

IT IS FURTHER ORDERED that the Clerk of Court shall terminate the plaintiff's pending motions and enter judgment accordingly.

IT IS FURTHER ORDERED that the Secretary of the Wisconsin Department of Corrections or his designee shall collect from the plaintiff's prison trust account the \$400.00 balance of the District Court filing fee by collecting monthly payments from the plaintiff's prison trust account in an amount equal to 20% of the preceding month's income credited to the prisoner's trust account and forwarding payments to the clerk of the court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. § 1915(b)(2). The payments shall be clearly identified by the case name and numbers assigned to this action.

IT IS FURTHER ORDERED that the Secretary of the Wisconsin Department of Corrections or his designee shall collect from the plaintiff's prison trust account the \$505.00 balance of the appellate filing fee by collecting monthly payments from the plaintiff's prison trust account in an amount equal to 20% of the preceding month's income credited to the prisoner's trust account and forwarding payments to the clerk of the court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. § 1915(b)(2). The payments shall be clearly identified by the case name and numbers assigned to this action.

IT IS ALSO ORDERED that copies of this order be sent to the warden of the institution where the inmate is confined and to PLRA Attorney, United States Court of Appeals for the Seventh Circuit, 219 S. Dearborn Street, Rm. 2722, Chicago, Illinois 60604.

Dated at Milwaukee, Wisconsin, this 29th day of January, 2016.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge